

Remarks

Second Preliminary Amendment

Applicant has amended claims 1, 5, 9, 13, 17 and 26-30 to make it even more clear which nucleotide sequences are being referred to in the claims.

Restriction Requirement

In the Action mailed October 11, 2006, the Office restricted the application to the following Groups of claims:

Group I - Claims 1-4, 9-12 and 21-24 drawn to a method of detecting Alicyclobacillus and Geobacillus through 16S detection, classified in Class 435, subclass 6;

Group II - Claims 5-8, drawn to a method of detecting Alicyclobacillus and Geobacillus through Shc detection, classified in Class 435, subclass 6;

Group III - Claim 13-16 and 17-20, drawn to a method of detecting mold and yeast through 16S detection, classified in Class 435, subclass 6;

Group IV - Claim 25, drawn to a kit for detecting fungi through 16S detection, classified in Class 435, subclass 24.32;

Group V - Claims 26 and 28-30, drawn to a kit for detecting Alicyclobacillus and Geobacillus through 16S detection, classified in Class 435, subclass 24.32; and

Group VI - Claim 27, drawn to a kit for detecting Alicyclobacillus and Geobacillus through Shc detection, classified in Class 435, subclass 24.32.

Election and Traverse

In response to the Restriction Requirement, Applicant elects Group I, i.e. claims 1-4, 9-12 and 21-24, **without traverse**.

Election of Nucleic Acid Sequence

The Office has required a further restriction for claims 1, 5, 9, 13, 17, 24 and 25. Applicant has obviated the additional restriction requirement by the current amendments to claims 1, 5, 9, 13 and 17. Furthermore, Applicant has elected Group I, i.e. claims 1-4, 9-12 and 21-24. Therefore an election of nucleic acid sequence is required only for claim 24 since claim 25 was not elected and the remaining elected claims have been amended. Applicant elects SEQ ID NO: 1 as the forward primer, SEQ ID NO: 4 as the reverse primer and SEQ ID NO: 2 as the probe, in claim 24, **without traverse**.

If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 03-0172.

Respectfully submitted,

Date: December 11, 2006

/diane h. dobrea/
Diane H. Dobrea
Reg. No. 48,578
(614) 621-7788
ddobrea@calfee.com